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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY-DOCKET NO.	CONFIRMATION NO.
10/006,346	12/03/2001	Harry A. Glorikian	P696C1	4095

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EXAMINER

CARDONE, JASON D

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 04/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/006,346

Applicant(s)

GLORIKIAN, HARRY A.

Examiner

Jason D Cardone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: See Attached Office Action.

DETAILED ACTION

1. A request for continued examination (RCE) under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Feb. 24, 2004 has been entered. Claims 8-25 are presented for further examination.
2. The drawings are objected to because in Figures 1, 5 and 7, legend number 13 is misspelled as "Geograpic". It is suggested to be "Geographic". Proposed drawing corrections are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
4. Claims 8 and 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation of storing a record of what user

activities is not specifically disclosed in the application. Examiner cannot distinguish what types of "activities" are recorded. The user's activities could be one of a plethora of activities by the physical person or the person to the handheld device or the handheld device, itself. There are no definitions or limitations or examples of "activities" within the specification.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mikkola et al. ("Mikkola"), USPN 6,529,143, in view of Tso et al. ("Tso"), USPN 6,047,327 and Giniger et al. ("Giniger"), USPN 6,199,045.

7. Regarding claim 8, Mikkola discloses an information system for delivering position-related information to a portable digital appliance, comprising: a tracking system for tracking position of the appliance and change of position of the appliance relative to time [ie. position of the mobile device and the speed of movement (change of position relative to time) of the mobile device, Mikkola, col. 4, lines 25-59, col. 8, lines 5-24 and col. 10, lines 6-31];

a data repository comprising data entities identified by one or both of position within one or more bounded regions and change of position of the appliance relative to

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time [ie. position of vicinity and the movement of the mobile device, Mikkola, col. 7, line 39 – col. 8, line 24 and col. 10, lines 6-31]; and wherein the information system selects information to be provided to the appliance according to the position of the appliance, change of position of the appliance relative to time, and user preference [ie. position, direction of movement, and the interest of the user to the POI (point of interest), Mikkola, col. 7, line 39 – col. 8, line 24 and col. 9, lines 37-63].

Mikkola discloses retrieving POI in accordance to the interest of the user, Mikkola, col. 4, lines 25-59]. Mikkola does not specifically disclose a client profile recording specific preferences for a user of the digital appliance or storing a record of user locations and activities. However, Tso, in the same field of mobile information retrieval endeavor, discloses an Infocast server (similar, in function, to the Internet-server of Mikkola) storing and maintaining a client profile with specific preferences for a user [Tso, col.4, lines 34-53, col. 10, lines 41-61 and col. 15, lines 41-51]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a profile database, disclosed by Tso, into the server, disclosed by Mikkola, by adding the profile database to the multiple databases within the server, in order to add more criteria to better dynamically adjust the requested information [Tso, col. 1, lines 7-10 and lines 44-52]. Mikkola-Tso does not disclose storing a record of user locations and activities. However, Giniger, in the same field of mobile information retrieval endeavor, discloses recording user position information (location) and user keyboard selection (activity) in the central site server [Giniger, col. 11, line 21 – col. 12, line 47. It would have been obvious to one having ordinary skill in the art at the time the

invention was made to incorporate recording location and activity of a user, disclosed by Giniger, into the server, disclosed by Mikkola-Tso, by adding the profile database to the multiple databases within the server, in order better assist and inform a user of a particular locale [Giniger, col. 1, lines 7-20].

8. Regarding claim 9, Mikkola further discloses the position of the appliance is a geographic position on the surface of the Earth [ie. GPS unit, Mikkola, col. 1, lines 13-17 and col. 9, lines 37-63].

9. Regarding claim 10, Mikkola further discloses the data repository stores data identified by sub-regions, and position of the appliance within a sub-region is used to select information to be provided to the appliance [ie. position of the POI, Mikkola, col. 7, lines 45-61]. Mikkola does not specifically disclose the data repository stores data identified by geographic regions and sub-regions within those bounded regions. However, Tso, in the same field of mobile information retrieval endeavor, discloses breaking up data by region, ie. map of California, (geographic region) and territory the client is currently located, ie regional map of California (bounded sub-region within the geographic region) [Tso, col. 11, line 65 – col. 12, line 25 and col. 19, line 60 – col. 20, line 8]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate more regional levels, disclosed by Tso, for the data storage, disclosed by Mikkola, in order better focus the information sent to the user.

10. Regarding claim 11, Mikkola further discloses information retrieved and provided to the appliance is information associated with specific geographic positions, and is selected, at least in part, by the direction of movement of the appliance relative to one of the specific geographic positions [Mikkola, col. 8, lines 5-24].

11. Regarding claims 12 and 13, Mikkola further discloses the information system communicates with the digital appliance on a wireless link, wherein the wireless link is a two-way link, the appliance sends periodic requests for information to the information system [Mikkola, col. 6, lines 44-58, col. 7, lines 6-16 and col. 9, lines 37-63].

12. Regarding claim 14, Mikkola further discloses the periodic requests are automatically-generated [ie. the terminal, itself, sends requests for updates of POI, Mikkola, col. 12, lines 25-51].

13. Regarding claim 15, Mikkola further discloses the periodic requests are manually generated by a user of the appliance [ie. a user may manually request POI information, Mikkola, col. 9, lines 37-50 and col. 12, lines 43-51].

14. Regarding claim 16, Mikkola further discloses information is pushed to the appliance on a pre-arranged time period [Mikkola, col. 12, lines 1-24].

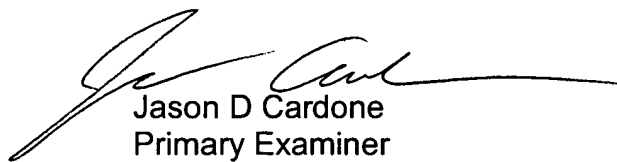
15. Regarding claims 17-25, they are method claims that generally correspond to the apparatus in claims 8-16, respectively. Therefore, the similar limitations are disclosed under Mikkola in view of Tso and Giniger for the same reasons set forth in the rejection of claims 8-16 [Supra 8-16].

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason D Cardone whose telephone number is (703) 305-8484. The examiner can normally be reached on Mon.-Thu. (9AM-6PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on (703) 305-9705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jason D Cardone
Primary Examiner
Art Unit 2142

April 15, 2004